

March 6, 2020

**Via ECF**

**The Honorable Paul A. Engelmayer**

United States District Judge

Southern District of New York

40 Foley Square, Courtroom 1305

New York, NY 10007

**Re: Cazley v. Cosi, Inc., et al.**  
**Index No: 19-cv-00197 (PAE)**

Dear Judge Engelmayer:

We represent the Plaintiff in the above referenced matter. We write to inform the Court, in conformity with Your Honor's March 3, 2020 Order, that Plaintiff does not object to a stay of these proceedings. However, it should be noted that Plaintiff believes that the debt Defendant COSI owes him is not dischargeable, pursuant to 11 U.S.C. §523(a)(19)(B)(2) (2020). As a result, Defendants' failure to pay the settlement proceeds, by the date required by the Parties' agreement, will be viewed as a breach of the settlement agreement, and Plaintiff reserves the right to take all steps necessary to collect the settlement proceeds, including making a motion to remove the stay and enforce the settlement agreement and/or amend the complaint to include breach of contract and continue litigation on those claims.

We appreciate Your Honor's attention to this matter.

Respectfully Submitted,

**Phillips & Associates, PLLC**

*Attorneys for Plaintiff*

/s/ Gregory W. Kirschenbaum

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On the motion of defendant, Dkt. 42, and with the consent of plaintiff, this matter and all associated deadlines are hereby stayed in light of defendant's petition for bankruptcy. The Court requests a joint status update from the parties every 60 days and within one week of a resolution of the bankruptcy proceeding. In the interim, the Court stands ready to so-order a settlement agreement if the parties are able to finalize one. SO ORDERED.

cc: Hillary Fraenkel  
*Attorneys for Defendants (Via ECF)*

  
PAUL A. ENGLMAYER 3/9/2020  
United States District Judge